



17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Larry Carr, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, JULY 10, 2002**

**AGENDA**

**JOINT MEETING**

**SPECIAL CITY COUNCIL MEETING**

**and**

**SPECIAL REDEVELOPMENT AGENCY SPECIAL MEETING**

***A Special Meeting Is Called at 6:30 P.M. for the Purpose of  
Conducting Closed Sessions.***

**6:30 P.M.**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/ Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/ Agency Secretary Torrez)

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**Dennis Kennedy, Mayor**

## ***City Council Action***

### **CLOSED SESSION:**

#### **1.**

##### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

#### **2.**

##### **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:**

##### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

#### **3.**

##### **EXISTING LITIGATION:**

Case Title: Kennedy et al. v. Davis et al.

Case Name/No.: Santa Clara County Superior Court Case No. CV 803679

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

#### **SILENT INVOCATION**

#### **PLEDGE OF ALLEGIANCE**

#### **RECOGNITION**

*Police Sergeant Bob Gomez Retirement*

*Youth Advisory Council Retiring Members*

Shweta Singh, Quinn Kennett, Leia Layus, Jennifer Valenzuela

**PROCLAMATION**

*Sakata Seed's 25<sup>th</sup> Anniversary*  
Paul Bennett, President (or his designee)

*PG&E Care Month*

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE DEPUTY CITY CLERK.**  
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 through #9 and Items #10 and #11 may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

- 1) **AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF STEPHAN C. VOLKER** ..... 1  
**Recommended Action(s): Authorize** the City Manager to Execute Amendment to Agreement With the Law Firm of Stephan C. Volker.
- 2) **MEMORANDUM OF UNDERSTANDING WITH MORGAN HILL UNIFIED SCHOOL DISTRICT AND SAN JOSE REGARDING PROVISION OF SERVICES TO SOBRATO SITE** ..... 25  
**Recommended Action(s): Authorize** the City Manager to Execute an Agreement Between the City of Morgan Hill, the Morgan Hill Unified School District, and the City of San Jose Regarding Provision of Police, Fire, Water and Sewer Services to the Sobrato High School Site.
- 3) **PILOT JOINT USE FACILITIES AGREEMENT BETWEEN THE MORGAN HILL UNIFIED SCHOOL DISTRICT AND THE CITY OF MORGAN HILL** ..... 45  
**Recommended Action(s): Authorize** the City Manager to Enter Into a Pilot Joint Use Facilities Agreement Between the Morgan Hill Unified School District and the City of Morgan Hill.

4)	<b><u>AWARD OF CONTRACT FOR SLURRY SEAL AND ROADWAY REPAIR PROJECT</u></b> .....	53
	<b><u>Recommended Action(s): Award</u></b> Contract to Silicon Valley Paving for the Construction of the Slurry Seal and Roadway Repair Project in the Amount of \$147,222.75, subject to review and approval by City Attorney.	
5)	<b><u>APPROVE SOLE SOURCE PURCHASE OF WATER METERS</u></b> .....	59
	<b><u>Recommended Action(s): Approve</u></b> Purchase of Water Meters, Meter Parts and MXUs from Invensys Metering Systems (formerly Sensus Technologies) in Accordance With Section 3.04.120.A(4) of the Municipal Code - Brand Names or Equal Specification, and Section 3.04.150.C - Sole Source Purchases.	
6)	<b><u>APPROVAL OF CONTRACT/FUNDING FOR CONTRACT/TEMPORARY ENGINEERING SERVICES</u></b> .....	61
	<b><u>Recommended Action(s): Approve</u></b> Contract and Funding for Two Temporary Full-time, and One Contract Part-time, Engineer, subject to review and approval by City Attorney.	
7)	<b><u>AWARD CONTRACT FOR CONSTRUCTION OF THE WARREN/HALE/NOB HILL TERRACE STREET IMPROVEMENT</u></b> .....	69
	<b><u>Recommended Action(s): Award</u></b> Contract to Wattis Construction Company, Incorporated for the Construction of the Warren/Hale/Nob Hill Terrace Street Improvement Project, subject to review and approval by City Attorney.	
8)	<b><u>SUBDIVISION APPLICATION SD 01-10: COCHRANE-COYOTE ESTATES</u></b> .....	73
	<b><u>Recommended Action(s): Take No Action</u></b> , Thereby, Concurring With the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
9)	<b><u>SUBDIVISION APPLICATION SD 01-11: COCHRANE-MISSION VIEW</u></b> .....	91
	<b><u>Recommended Action(s): Take No Action</u></b> , Thereby Concurring With the Planning Commission's Decision Regarding Approval of the Subdivision Map.	

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
10)	<b><u>APPROVE REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 19, 2002</u></b> .....	115
11)	<b><u>APPROVE SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 26, 2002</u></b> .....	131

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
12)	5 Minutes	<b><u>ZA 00-05: HALE-GLENROCK/SHEA HOMES</u></b> ..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1572, New Series. <b><u>Motion to Introduce</u></b> Ordinance No. 1572, New Series by Title Only. (Roll Call Vote).	157
13)	7 Minutes	<b><u>ZONING AMENDMENT ZA: 01-16: COCHRANE-MISSION RANCH</u></b> ..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <b><u>Approve</u></b> Mitigated Negative Declaration. Action - <b><u>Motion to Waive</u></b> the Reading in Full of Residential Planned Development (RPD) Ordinance No. 1573, New Series. <b><u>Motion to Introduce</u></b> Residential Planned Development (RPD) Ordinance No. 1573, New Series by Title Only. (Roll Call Vote).	183
14)	5 Minutes	<b><u>ZONING AMENDMENT ZA 01-15: COCHRANE-COYOTE ESTATES</u></b> ..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <b><u>Approve</u></b> Mitigated Negative Declaration. Action - <b><u>Motion to Waive</u></b> the Reading in Full of Residential Planned Development (RPD) Ordinance No. 1574, New Series. <b><u>Motion to Introduce</u></b> Residential Planned Development (RPD) Ordinance No. 1574, New Series by Title Only. (Roll Call Vote).	211
15)	15 Minutes	<b><u>CONFIRMING THE SANTA CLARA COUNTY FIRE MARSHAL'S REPORT ON BRUSH ABATEMENT</u></b> ..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <b><u>No Further Action</u></b> Necessary At This Time.	243
16)	10 Minutes	<b><u>APPLICATION ZA-02-07: TEXT AMENDMENT RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA</u></b> ..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1575, New Series. <b><u>Motion to Introduce</u></b> Ordinance No. 1575, New Series by Title Only. (Roll Call Vote).	245

## ***City Council and Redevelopment Agency Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
17)	30 Minutes	<b><u>CHAMBER OF COMMERCE'S PROPOSED "MARKETING PLAN FOR ECONOMIC DEVELOPMENT AND TOURISM"</u></b> .....	267
		<b><u>Recommended Action(s): Consider</u></b> the Report and <b><u>Adopt</u></b> the Process as outlined in Staff Report.	

## ***City Council Action***

### **PUBLIC HEARINGS: (Continued)**

	<b>Time Estimate</b>		<b>Page</b>
18)	5 Minutes	<b><u>ADJUSTMENTS TO DEVELOPMENT IMPACT FEES</u></b> .....	323
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1570, New Series. <b><u>Motion to Introduce</u></b> Ordinance No. 1570, New Series by Title Only. (Roll Call Vote).	
19)	5 Minutes	<b><u>ADJUSTMENTS TO USER FEES, SERVICE CHARGES, AND MISCELLANEOUS UTILITIES FEES</u></b> .....	429
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1569, New Series. <b><u>Motion to Introduce</u></b> Ordinance No. 1569, New Series by Title Only. (Roll Call Vote).	
20)	5 Minutes	<b><u>CITY RECREATION FACILITY RESERVATION PROCEDURES AND USER FEE</u></b> ..	497
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1571, New Series. <b><u>Motion to Introduce</u></b> Ordinance No. 1571, New Series by Title Only. (Roll Call Vote).	

## ***City Council Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
21)	5 Minutes	<b><u>SANTA CLARA COUNTY POLLUTION PREVENTION PROGRAM</u></b> ..... <b><u>Recommended Action(s):</u></b> <b><u>Identify</u></b> Council Member Interest in Serving on the Santa Clara County Pollution Prevention Program, Hazardous Materials Advisory Committee.	507
22)	20 Minutes	<b><u>HOUSING TYPE DISTRIBUTION AND TERM FOR 2002-2003 MEASURE “P” COMPETITION (FY 2004-2005 AND A PORTION OF THE FY 2005-2006 BUILDING ALLOTMENT)</u></b> ..... <b><u>Recommended Action(s):</u></b> <b><u>Adopt</u></b> Resolution No. 5594 Approving the Total Building Allotment and Distribution and Authorizing Measure P Competitions to be Conducted During Fiscal Year 2002-2003 for the Balance of the Fiscal Year 2004-2005 Building Allotment and a Portion of the Fiscal Year 2005-2006 Building Allotment. _____	509

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**